

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TRACY STOKES,
Plaintiff,

v.

Case No. 07-C-0496

DAVID BETH,
Defendant,

ORDER

A review of this file discloses that defendant David Beth filed a motion for summary judgment on November 10, 2008, and mailed the motion and supporting documents to plaintiff the same day. Plaintiff's response to that motion should have been filed on or before December 10, 2008, pursuant to Civil L.R. 7.1 (E.D. Wis.). Parties are expected to comply with the procedures and dates specified in the rule without involvement of the court.

Court records show that plaintiff did not file any response to defendant's motion. I will allow plaintiff additional time to file a response to defendant's motion. However, plaintiff is hereby advised that if he fails to file any response to defendant's motion by February 13, 2009, I may dismiss this action with prejudice, pursuant to Civil L.R. 41.3 (E.D. Wis.) and Fed R. Civ. P. 41(b). A copy of Civil L.R. 41.3 is attached.

IT IS THEREFORE ORDERED that plaintiff shall have until **February 13, 2009** to respond to defendant's motion for summary judgment.

Dated at Milwaukee, Wisconsin, this 14 day of January, 2009.

/s _____
LYNN ADELMAN
District Judge

Civil L.R. 41.3 Dismissal for Lack of Diligence

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.